



General Assembly

February Session, 2006

***Raised Bill No. 5121***

LCO No. 1091

\*01091\_\_\_\_\_PS\_\*

Referred to Committee on Public Safety and Security

Introduced by:  
(PS )

***AN ACT CONCERNING THE LICENSING AND TRAINING OF PRIVATE  
DETECTIVES AND SECURITY PERSONNEL.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 29-152u of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 As used in this chapter:

4 (1) "Armed security officer" means a security officer who carries or  
5 has immediate access to a firearm in the performance of such officer's  
6 duties as a security officer;

7 (2) "Commissioner" means the Commissioner of Public Safety;

8 (3) "Licensee" means any person, firm, company, partnership or  
9 corporation engaged in the business of providing investigative or  
10 security services;

11 (4) "Private detective" means any person engaged in the business of,  
12 or advertising as engaged in the business of (A) investigating crimes or  
13 civil wrongs, (B) investigating the location, disposition or recovery of

14 property, (C) investigating the cause of accidents, fire damage or  
15 injuries to persons or to property, except persons performing bona fide  
16 engineering services, (D) providing the personal protection of  
17 individuals, (E) conducting surveillance activity, (F) conducting  
18 background investigations, or (G) securing evidence to be used before  
19 a court, board, officer or investigation committee;

20 (5) "Private detective agency" means any person, firm, company,  
21 partnership or corporation that, for consideration, advertises as  
22 providing, or is engaged in the business of providing, private  
23 detectives;

24 (6) "Private investigator" means an employee of a licensed private  
25 detective or private detective agency who performs services necessary  
26 for the conduct of such licensee's business;

27 ~~[(6)]~~ (7) "Security officer" means ~~[the licensed]~~ a certified and  
28 registered person hired to safeguard and protect persons and property,  
29 by (A) the detection or prevention of any unlawful intrusion or entry,  
30 larceny, vandalism, abuse, arson or trespass on the property such  
31 security officer is hired to protect, or (B) the prevention, observation, or  
32 detection of any unauthorized activity on the property the security  
33 officer was hired to protect. Such security officer may be (i) employed  
34 by a security service, or (ii) employed by a ~~[business and is a~~  
35 uniformed employee who performs security work on the premises of  
36 the employer's business when such premises are located in an area that  
37 is accessible and unrestricted to the public, or has access only by paid  
38 admission] nonsecurity employer;

39 ~~[(7)]~~ (8) "Security service" means any person, firm, association or  
40 corporation that, for consideration, provides to another person, firm,  
41 association or corporation one or more of the following: (A) The  
42 prevention or detection of intrusion, entry, larceny, vandalism, abuse,  
43 fire, or trespass on the property the security service was hired to  
44 protect; (B) the prevention, observation or detection of any  
45 unauthorized activity on the property the security service was hired to

46 protect; (C) the protection of patrons and persons authorized to be on  
47 the premises of a person, firm, association or corporation that the  
48 security service was hired to protect; (D) the secure transportation of  
49 papers, money, negotiable instruments and other valuables; (E) the  
50 provision of patrol and armored car services; or (F) the provision of  
51 guard dogs;

52 (9) "Nonsecurity service employer" means a person, firm or  
53 corporation employing uniformed employees who perform security  
54 work on the premises of the employer's business when such premises  
55 are located in an area that is accessible and unrestricted to the public,  
56 or has access only by paid admission.

57 Sec. 2. Subsection (c) of section 29-154a of the general statutes is  
58 repealed and the following is substituted in lieu thereof (*Effective*  
59 *October 1, 2006*):

60 (c) No license shall be issued to any person who has been (1)  
61 convicted of any felony, (2) convicted of any misdemeanor under  
62 section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,  
63 53a-176, 53a-178 or 53a-181d, or equivalent conviction in another  
64 jurisdiction, within the past seven years, (3) convicted of any offense  
65 involving moral turpitude, or (4) discharged from military service  
66 under less than honorable conditions. [that demonstrate questionable  
67 moral character.]

68 Sec. 3. Section 29-156a of the general statutes is repealed and the  
69 following is substituted in lieu thereof (*Effective October 1, 2006*):

70 (a) Any licensee may employ as many agents, [operators, assistants,  
71 guards, watchmen or patrolmen] or private investigators as such  
72 licensee deems necessary for the conduct of such licensee's business,  
73 provided such employees shall be of good moral character and at least  
74 eighteen years of age.

75 (b) Immediately upon hiring an agent [, operator, assistant, guard,

76 watchman or patrolman] or private investigator, the licensee shall  
77 [make application] apply to register such employee with the  
78 Commissioner of Public Safety. Such application shall be made on  
79 forms furnished by the commissioner, and, under oath of the  
80 employee, shall give the employee's name, address, date and place of  
81 birth, employment for the past five years, experience in the position  
82 applied for, any convictions for violations of the law and such other  
83 information as the commissioner may require, by regulation, to  
84 properly investigate the character, competency and integrity of the  
85 employee.

86 (c) The Commissioner of Public Safety shall require any applicant  
87 for registration under this section to submit to state and national  
88 criminal history records checks [. The criminal history records checks  
89 required pursuant to this section shall be] conducted in accordance  
90 with section 29-17a, as amended. The application for registration shall  
91 be accompanied by two sets of fingerprints of the employee and two  
92 full-face photographs of the employee, two inches wide by two inches  
93 high, [full-face,] taken within six months prior thereto, and a twenty-  
94 dollar registration fee payable to the state. Subject to the provisions of  
95 section 46a-80, no person shall be [approved for employment]  
96 registered who has been convicted of a felony, any sexual offense or  
97 any crime [that would tend to question such person's honesty and  
98 integrity,] involving moral turpitude or who has been refused a license  
99 under the provisions of this chapter for any reason except lack of  
100 minimum experience, or whose license, having been granted, has been  
101 revoked or is under suspension. [Upon being satisfied of the suitability  
102 of the applicant for employment the] The commissioner shall register  
103 [the employee] all qualified employees and so notify the licensee and  
104 place the registration form and all related material on file with the  
105 Division of State Police within the Department of Public Safety.

106 (d) The licensee shall notify the commissioner [within] not later than  
107 five days [of] after the termination of employment of any registered  
108 employees.

109     (e) Any person, firm or corporation that violates any provision of  
110     this section shall be fined seventy-five dollars for each offense. Each  
111     distinct violation of this section shall be a separate offense and, in the  
112     case of a continuing violation, each day thereof shall be deemed a  
113     separate offense.

114     Sec. 4. Section 29-158 of the 2006 supplement to the general statutes  
115     is repealed and the following is substituted in lieu thereof (*Effective*  
116     *October 1, 2006*):

117     Any license or registration may be suspended or revoked by the  
118     commissioner, [provided notice shall have been given to the licensee to  
119     appear before the commissioner to show cause why the license should  
120     not be suspended or revoked, upon a finding by the commissioner  
121     that: (1) The licensee has violated] after giving notice and an  
122     opportunity to be heard to the licensee or registrant when the  
123     commissioner finds that the licensee or registrant has: (1) Violated any  
124     of the terms or provisions of sections 29-153 to 29-161, inclusive, as  
125     amended by this act, or any of the regulations adopted thereunder; (2)  
126     [the licensee has] practiced fraud, deceit or misrepresentation [to] in  
127     dealing with the clients of the licensee or registrant; (3) [the licensee  
128     has] made a material misstatement in the application for issuance of  
129     such license or registration, or, in the case of a licensee, or renewal of  
130     such [licensee's] license; (4) [the licensee has] demonstrated  
131     incompetence or untrustworthiness in the conduct of [such licensee's]  
132     the business; (5) [the licensee has] been convicted of a felony or other  
133     crime [affecting such licensee's honesty, integrity or moral fitness]  
134     involving moral turpitude. If the licensee or registrant has been  
135     convicted under section 53a-61 or 53a-62, the commissioner shall  
136     consider the facts and circumstances surrounding such convictions  
137     prior to suspending or revoking the license or registration. Any party  
138     aggrieved by an order of the commissioner [hereunder] under the  
139     provisions of this section may appeal therefrom in accordance with the  
140     provisions of section 4-183, except the venue for such appeal shall be  
141     [in] the judicial district of New Britain.

142       Sec. 5. Section 29-161 of the general statutes is repealed and the  
143       following is substituted in lieu thereof (*Effective October 1, 2006*):

144       (a) [Any] Except as provided in section 29-156a, as amended by this  
145       act, any person who violates any provision of sections 29-153 to 29-161,  
146       inclusive, as amended by this act, shall be fined not more than five  
147       thousand dollars or imprisoned not more than one year or both. The  
148       commissioner may establish, by regulation, civil penalties for  
149       violations of sections 29-153 to 29-161, inclusive, as amended by this  
150       act, but no such penalty shall be more than five thousand dollars. No  
151       person who violates any provision of section 29-153 shall be eligible to  
152       apply for a license for two years. Any experience accrued while  
153       operating without being licensed will not be counted [to] toward the  
154       requirements [as outlined] specified in section 29-154a, as amended by  
155       this act.

156       (b) The commissioner shall adopt regulations in accordance with the  
157       provisions of chapter 54 to implement the provisions of sections 29-153  
158       to 29-161, inclusive, as amended by this act.

159       Sec. 6. Section 29-161j of the general statutes is repealed and the  
160       following is substituted in lieu thereof (*Effective October 1, 2006*):

161       No member of the state, or any town, city or borough, police force  
162       or any other person vested with police powers shall be eligible for a  
163       license or certificate under the provisions of sections 29-161g to 29-  
164       161x, inclusive, as amended by this act. If the applicant is a  
165       corporation, association or partnership, no person comprising the  
166       corporation, association or partnership may be such a member or  
167       person.

168       Sec. 7. Section 29-161m of the general statutes is repealed and the  
169       following is substituted in lieu thereof (*Effective October 1, 2006*):

170       Upon being satisfied, after investigation, of the good moral  
171       character, competency and integrity of an applicant, or, if the applicant

172 is an association or partnership, of the individual members thereof, or  
 173 if a corporation, of all officers and directors thereof, the Commissioner  
 174 of Public Safety may grant a license to conduct business as a security  
 175 service and to maintain a bureau, agency, subagency, office or branch  
 176 office for the conduct of such business on the premises stated in such  
 177 application. [The license for an individual, a corporation, association or  
 178 partnership conducting a security service shall be as a security service.  
 179 Such license shall be] The commissioner shall grant a security service  
 180 license to any qualified individual, corporation, association or  
 181 partnership for a term of two years and application for renewal shall  
 182 be on a form furnished by the commissioner. Each licensee shall permit  
 183 the department to inspect, review or copy those documents, business  
 184 records or training records in the licensee's possession that are  
 185 required by [sections 29-161g to 29-161x, inclusive,] regulation to be  
 186 maintained.

187 Sec. 8. Section 29-161q of the general statutes is repealed and the  
 188 following is substituted in lieu thereof (*Effective October 1, 2006*):

189 (a) Any security service or nonsecurity service employer may  
 190 employ as many security officers as [the licensee] such security service  
 191 or nonsecurity service employer deems necessary for the conduct of  
 192 the business, provided [such employees shall be] such security officers  
 193 are of good moral character and at least eighteen years of age.

194 (b) Any person hired to work as a security officer shall be [licensed]  
 195 certified as a security officer prior to a security service [making  
 196 application] or nonsecurity service employer applying to register the  
 197 security officer with the Commissioner of Public Safety pursuant to  
 198 subsection (d) of this section. The employee shall complete a minimum  
 199 of eight hours training in the following areas: Basic first aid, search and  
 200 seizure laws and regulations, use of force, basic criminal justice and  
 201 public safety issues. The training, schools offering such training, and  
 202 requirements for instructors shall be approved by the commissioner in  
 203 accordance with regulations adopted pursuant to section 29-161x, as

204 amended by this act.

205 (c) Upon successful completion of such training, an employee may  
 206 submit an application for [a license] certification as a security officer on  
 207 forms furnished by the commissioner and, under oath, shall give the  
 208 employee's name, address, date and place of birth, employment for the  
 209 [past] previous five years, experience in the position applied for, any  
 210 convictions for violations of the law and such other information as the  
 211 commissioner may require, by regulation, to properly investigate the  
 212 character, competency and integrity of the employee. The initial  
 213 application for a [license] certificate shall be accompanied by two sets  
 214 of fingerprints of the employee and the Commissioner of Public Safety  
 215 shall require any applicant for a license under this section to submit to  
 216 state and national criminal history records checks [. The criminal  
 217 history records checks required pursuant to this subsection shall be]  
 218 conducted in accordance with section 29-17a, as amended. [The  
 219 application for a license shall be accompanied by] Applicants shall  
 220 submit with their application two sets of their fingerprints [of the  
 221 employee] and two full-face photographs of [the employee] them, two  
 222 inches wide by two inches high, [full-face,] taken within six months  
 223 prior thereto, and a twenty-dollar [licensing] fee [to be renewed every  
 224 two years,] made payable to the state. Subject to the provisions of  
 225 section 46a-80, no person shall be [approved for a license] certified  
 226 who has been convicted of a felony, any sexual offense or any crime  
 227 [that would tend to question such person's honesty and integrity] of  
 228 moral turpitude, or who has been refused a license or certificate under  
 229 the provisions of sections 29-161g to 29-161x, inclusive, as amended by  
 230 this act, for any reason except lack of minimum experience, or whose  
 231 license or certificate, having been granted, has been revoked or is  
 232 under suspension. Upon being satisfied of the suitability of the  
 233 applicant for [licensure] certification, the commissioner may [license]  
 234 certify the employee as a security officer. Such certification shall be  
 235 renewed every two years.

236 (d) Upon the security officer's successful completion of training and



237 [licensing] certification by the commissioner, or immediately upon  
 238 hiring a [licensed] certified security officer, the security service or  
 239 nonsecurity service employer shall [make application] apply to register  
 240 such security officer with the commissioner on forms provided by the  
 241 commissioner. Such application shall be accompanied by payment of a  
 242 twenty-dollar application fee payable to the state. [The completed  
 243 registration form and all related material shall be kept on file with the]  
 244 The Division of State Police within the Department of Public Safety  
 245 shall keep on file the completed registration form and all related  
 246 material. An identification card with name, date of birth, address, full-  
 247 face photograph, physical descriptors and signature of applicant shall  
 248 be issued to the security officer, and shall be carried by the security  
 249 officer at all times while performing the duties associated with his  
 250 employment.

251 (e) The security service or nonsecurity service employer shall notify  
 252 the commissioner [within] not later than five days [of] after the  
 253 termination of employment of any registered employee.

254 (f) Any person, firm or corporation that violates any provision of  
 255 subsection (b) or (d) of this section shall be fined seventy-five dollars  
 256 for each offense. Each distinct violation shall be a separate offense and,  
 257 in the case of a continuing violation, each day's continuance thereof  
 258 shall be deemed a separate offense.

259 Sec. 9. Section 29-161v of the general statutes is repealed and the  
 260 following is substituted in lieu thereof (*Effective October 1, 2006*):

261 [Any license for a security service or security officer may be  
 262 suspended or revoked by the Commissioner of Public Safety, provided  
 263 notice shall have been given] The Commissioner of Public Safety may  
 264 suspend or revoke any license for a security service or certification for  
 265 a security officer after giving notice to the licensee or certificate holder  
 266 to appear before the commissioner to show cause why the license or  
 267 certification should not be suspended or revoked, upon a finding by  
 268 the commissioner that the licensee or certificate holder has: (1) [The

269 licensee has violated] Violated any of the terms or provisions of  
 270 sections 29-161g to 29-161x, inclusive, as amended by this act, or any of  
 271 the regulations adopted pursuant to section 29-161x, as amended by  
 272 this act; (2) [the licensee has] practiced fraud, deceit or  
 273 misrepresentation; (3) [the licensee has] made a material misstatement  
 274 in the application for issuance or renewal of the license or certificate;  
 275 (4) [the licensee has] demonstrated incompetence or untrustworthiness  
 276 in the conduct of the business; or (5) [the licensee has] been convicted  
 277 of a felony or other crime [affecting the licensee's honesty, integrity or  
 278 moral fitness] involving moral turpitude. Any party aggrieved by an  
 279 order of the commissioner under this section may appeal therefrom in  
 280 accordance with the provisions of section 4-183, except the venue for  
 281 such appeal shall be [in] the judicial district of New Britain.

282 Sec. 10. Section 29-161x of the general statutes is repealed and the  
 283 following is substituted in lieu thereof (*Effective October 1, 2006*):

284 (a) [Any] Except as provided in section 29-161q, as amended by this  
 285 act, any person who violates any provision of sections 29-161g to 29-  
 286 161x, inclusive, as amended by this act, shall be fined not more than  
 287 five thousand dollars or imprisoned not more than one year, or both.  
 288 The Commissioner of Public Safety may establish, by regulation, civil  
 289 penalties for violations of sections 29-161g to 29-161x, inclusive, as  
 290 amended by this act, but no such penalty shall be more than five  
 291 thousand dollars. Any person who violates any provision of section 29-  
 292 161g, as amended, shall not be eligible to apply for a license for two  
 293 years after the date the penalty was imposed. Any experience accrued  
 294 while operating without being licensed as a security service will not be  
 295 counted toward the requirements specified in section 29-161h.

296 (b) The Commissioner of Public Safety shall adopt regulations, in  
 297 accordance with the provisions of chapter 54, to implement the  
 298 provisions of sections 29-161g to 29-161x, inclusive, as amended by this  
 299 act.

300 Sec. 11. Section 29-161y of the general statutes is repealed and the

301 following is substituted in lieu thereof (*Effective October 1, 2006*):

302 (a) Any person, firm or corporation may employ as many security  
 303 officers or security personnel carrying firearms as it deems necessary  
 304 for the conduct of its business, provided such employees shall be of  
 305 good moral character and at least twenty-one years of age. Each  
 306 person, firm or corporation shall [make application] apply to register  
 307 such personnel with the Commissioner of Public Safety [immediately  
 308 upon their hiring. Application for registration shall be made] in the  
 309 same manner as is provided in section [29-156a] 29-161q, as amended  
 310 by this act, and applicants shall meet the requirements specified in said  
 311 section.

312 [(b) Each person, firm or corporation employing nonarmed  
 313 proprietary security personnel may register such employees with the  
 314 Commissioner of Public Safety in accordance with the provisions of  
 315 this section.]

316 [(c)] (b) Any person, firm or corporation [which] that violates any  
 317 provision of this section shall be fined seventy-five dollars for each  
 318 offense. Each distinct violation of this section shall be a separate [and  
 319 distinct offense,] and, in the case of a continuing violation, each day's  
 320 continuance thereof shall be deemed [to be] a separate [and distinct]  
 321 offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	29-152u
Sec. 2	<i>October 1, 2006</i>	29-154a(c)
Sec. 3	<i>October 1, 2006</i>	29-156a
Sec. 4	<i>October 1, 2006</i>	29-158
Sec. 5	<i>October 1, 2006</i>	29-161
Sec. 6	<i>October 1, 2006</i>	29-161j
Sec. 7	<i>October 1, 2006</i>	29-161m
Sec. 8	<i>October 1, 2006</i>	29-161q
Sec. 9	<i>October 1, 2006</i>	29-161v

Sec. 10	<i>October 1, 2006</i>	29-161x
Sec. 11	<i>October 1, 2006</i>	29-161y

***Statement of Purpose:***

To make technical changes to provisions concerning security personnel, to make private investigators and nonsecurity service employers subject to these sections and to add penalties for violations of these sections.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*